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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/770,237	02/02/2004	Daniel Cuende Alonso	2807-1-001	9483

7590 10/13/2011
KLAUBER & JACKSON
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411 Hackensack Avenue
Hackensack, NJ 07601

EXAMINER

SAID, MANSOUR M

ART UNIT	PAPER NUMBER
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2629

MAIL DATE	DELIVERY MODE
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10/13/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/770,237	Applicant(s) ALONSO, DANIEL CUENDE	
	Examiner Mansour M. Said	Art Unit 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1,2 and 4-13 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1 is/are rejected.
- 8) ☒ Claim(s) 2 and 4-13 is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Response to Arguments

1. This Office Action is in response to the amendment filed on 07/18/2011.

Drawings

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show “the manual configuration” as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hampton et al. (6,252,522; hereinafter referred to as Hampton) in view of Nicholson et al. (US 6,414,650 B1; hereinafter referred to as Nicholson)**

Hampton teaches a computer system for automatically locating visibility zones from which an element to be viewed is visible (figure 1 and column 3, lines 15-30), wherein it comprises at least a computer application provided with locating means that enable to locate said potential and effective visibility zones by means of a set of visibility zone locating criteria (figures 1-3, column 1, lines 45-67 and column 6, lines 45) comprising: at least one item of data about the an element to be viewed selected from location morphology, orientation and combinations thereof, with which the potential visibility zone locating means automatically locate at least on potential visibility zone assigned to the element to be viewed and at least one visibility study region mapped and stored on a computer medium with which, as function of the said potential visibility zone (figures 1-3, column 1, lines 45-67, column 2, lines 59-67, column 3, lines 1-30, column 4, lines 1-53, column 5, lines 1-67 and column 6, lines 1-45) , the effective visibility zone locating means automatically locate effective visibility selected from effective visibility areas, effective visibility axes and combinations thereof, from which the element to be viewed is visible (figures 1-3, column 1, lines 45-67, column 2, lines 59-67, column 3, lines 1-

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30, column 4, lines 1-53, column 5, lines 1-67 and column 6, lines 1-45), and wherein the computer application further comprises means for configuring at least one visibility zone locating criterion (figures 1-3, column 1, lines 45-67, column 2, lines 59-67, column 3, lines 1-30, column 4, lines 1-53, column 5, lines 1-67 and column 6, lines 1-45), said means of configuration being selected from manual configuration (column 6, lines 5-20).

Hampton does not teaches, default configuration, configuration by visibility optimization criteria and combinations thereof.

However, Nicholson teaches that default (reset) configuration, configuration by visibility optimization criteria and combinations thereof (column 14, lines 25-67, column 15, lines 54-64).

Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate Nicholson's teaching into Hampton's system so as to provide a sign system for creating extremely light weight, reconfigurable, changeable signs suitable for outdoor (column 2, lines 59-67).

Allowable Subject Matter

4. Claims 2 and 4-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments filed 07/18/2011 have been fully considered but they are not persuasive. the Applicant argued that Hampton et al. do not teach or suggest a "potential zone" or

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a "non pre-defined criterion ... Nicholson teaches a display panel and the present invention embraces a system for finding the best location for an element to be viewer, for instance, the display panel disclosed by Nicholson. Therefore, the previous technical features are in no way taught or suggested by Nicholson ... Hampton et al. teaches "manually recording exposure, the present invention does not record the exposure to the billboard. Therefore, the manual configuration for configuring the zone locating criterion of the present invention is neither taught nor suggested by Hampton".

However, Examiner respectfully disagrees for the following reasons; Hampton teaches a, visibility zones (potential zone) from which an element to be viewed is visible (figure 1 and column 3, lines 15-30), including information may identify the location of the device, the time of day and duration of the exposure also recorded, the recorded information is subsequently downloading for processing by a central processing, a data signal carries information relating to the device (billboard), the potential viewer is in a pre-defined exposure area in which the billboard can be viewed, receiving the data signal at a receiver associated with a potential viewer, and storing the information relating to the billboard at the receiver when the potential viewer is in the pre-defined exposure area, further, Nicholson system a computer including a memory and a processor for information input and a plurality of information output, as showing in figure 11), further, Hampton system controlled by the central processor, such as wireless link, computer link, so that the receiver provides information to the billboards screen.

Furthermore, the objected claims should be considered, at least, to overcome the final rejection.

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Therefore, the combinations of all references disclose the claimed limitations, and all references should be taken in combination and not individually. The Applicant cannot show non-obviousness by attacking references individually where, as here the rejections are based on combination of references. In re Keller, 208 USPQ 871 (CCPA 1981).

Conclusion

6. **THIS OFFICE ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mansour M. Said whose telephone number is (571)272-7679. The examiner can normally be reached on MF (8:30-5:30).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander S. Beck can be reached on (571) 272-7765. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alexander S. Beck/
Supervisory Patent Examiner, Art Unit 2629

/Mansour M Said/
Examiner, Art Unit 2629